

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST

PETER MARIANI, M.D.,	FINAL DECISION AND ORDER
RESPONDENT	LS9906234MED

The parties to this proceeding for purposes of sec. 227.53, Stats. are:

Peter Mariani, M.D.
6308 8th Avenue, Suite 108
Kenosha, WI 53143

Wisconsin Medical Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Peter Mariani, M.D., personally, and by Michael P. Malone, attorney for Dr. Mariani, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Peter Mariani, M.D., 6308 8th Avenue, Suite 108, Kenosha, Wisconsin, 53143, date of birth 5/30/48, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #23819, his license having been granted on 7/1/81.
2. Dr. Mariani specializes in the practice of pulmonary medicine.
3. A complaint is pending before the Wisconsin Medical Examining Board alleging that on 5/5/93 Dr. Mariani failed to promptly recognize and appropriately respond in a timely manner to his patient's deteriorating clinical situation and worsening hypoxia after he mistakenly intubated the esophagus of the patient while he was treating the patient for an asthma attack.
4. Dr. Mariani denies the allegations of the complaint and contends that he provided appropriate and timely

medical care for the patient.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.
2. The Wisconsin Medical Examining Board has the authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. The Wisconsin Medical Examining Board has the authority pursuant to sec. 440.22, Stats., to assess the costs of this proceeding against Dr. Mariani.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED, pursuant to the Stipulation of the parties, that Peter Mariani, M.D. will participate in and satisfactorily complete the following education program:

1. The education program will be conducted under the direction and supervision of the mentor, Scott J. Aschenbrener, M.D., a physician board certified in anesthesiology. If Scott J. Aschenbrener, M.D. is unable or unwilling to serve, the Wisconsin Medical Examining Board will appoint a successor.
2. The education program will consist of a minimum of 15 hours of instruction in endotracheal intubations and in the post intubation assessment of endotracheal tube placement. The education program will include a minimum of 20 intubations performed by Dr. Mariani on live subjects under the direction and supervision of the mentor. The mentor may require Dr. Mariani to perform intubations in addition to the 20 intubations required if the mentor believes that the additional procedures are necessary to permit him to certify that Dr. Mariani has demonstrated competence in performing endotracheal intubations and in the post intubation assessment of endotracheal tube placement.
3. The education program will be completed within 90 days of the date of this Final Decision And Order.
4. Within 30 days of the conclusion of the education program, if it has been satisfactorily completed by Dr. Mariani, the mentor will certify to the Wisconsin Medical Examining Board that the education program has been completed and that Dr. Mariani has demonstrated during the education program his competence to perform endotracheal intubations and to assess post intubation endotracheal tube placement. If Dr. Mariani does not satisfactorily complete the education program or does not demonstrate during the education program his competence to perform endotracheal intubations and to assess post intubation endotracheal tube placement, the mentor will so notify the Wisconsin Medical Examining Board.
5. Dr. Mariani will pay the costs of the education program, including the professional fees and expenses of the mentor, within 30 days of the dates on which statements for professional services and expenses are submitted to him.

IT IS FURTHER ORDERED that certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board be filed with:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

1400 East Washington Ave.

Madison, WI 53708-8935

All certifications, affidavits or other documents required to be filed with the Wisconsin Medical Examining Board will be deemed filed with the Wisconsin Medical Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that Peter Mariani, M.D. will pay the costs of this proceeding in the amount of \$3,000.00

to the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, within 30 days of the date of this Final Decision And Order.

IT IS FURTHER ORDERED that pursuant to sec. 448.02(4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Peter Mariani, M.D. has violated the terms of this Final Decision And Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Mariani to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

IT IS FURTHER ORDERED that the complaint shall be, and hereby is, dismissed.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin

Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

WISCONSIN MEDICAL EXAMINING BOARD

Darold A. Treffert, Secretary

August 24th, 2000

A member of the Board

Date